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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/910,849

07/24/2001

Nobuyuki Kobayashi

P21228

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09/06/2005

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EXAMINER

SELLERS, DANIEL R

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,849

Applicant(s)

KOBAYASHI ET AL.

Examiner

Daniel R. Sellers

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 5, and 8 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tanaka.
3. Regarding amended claim 1, see the previous office action mailed March 11, 2005. Tanaka teaches a system that generates identification data, an internal memory to record the identification data on, and a control block for recording the identification data in the external memory to restrict unauthorized use. Tanaka also teaches that a message will be displayed when the identification data does not match between the internal and external memory (Col. 16, lines 48-53).
4. Regarding the original and previously presented claims 2, 5, and 8, see the previous office action mailed March 11, 2005. Tanaka teaches these features.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 3, 4, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka as applied to claim 2 above, and further in view of Kubo, U.S. Patent No. 6,631,427.
7. Regarding claim 3, the further limitation of claim 2, see Tanaka,

... wherein said control block carries out the identification data determination processing when the external memory is removed and mounted during recording of the recording data in the external memory, said control block continuing to record the recording data in the mounted external memory when the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other, and carrying out predetermined error-handling processing when the identification data recorded in the external memory and the identification data recorded in said internal memory are different from each other. (Col. 2, line 63 – Col. 3, line 2).

8. Tanaka teaches the predetermined error-handling in a memory system. Tanaka teaches that the identification data is compared to determine whether or not the data can be used. Tanaka does not teach the step of recording the data to the memory system. Kubo teaches the recording of digital data to a memory device (Col. 1, lines 41-53). Kubo teaches that the discriminating means decide whether or not recording can be done on the memory. It would have been obvious for one of ordinary skill in the art to combine the teachings of Tanaka and Kubo for the purpose of creating a protected removable data system.

9. Regarding claim 4, the further limitation of claim 2,

... wherein said control block causes the recording data to be recorded in said internal memory when the external memory is removed during recording of the recording data in the external memory, carries out the identification data determination processing when the external memory is mounted, and records the recording data recorded in said internal memory, in the mounted external memory when the identification data recorded in the external memory and the identification data recorded in said internal memory are identical to each other.

10. Tanaka teaches the features of claim 2, and teaches the identification data determination processing when the external memory is mounted. Tanaka does not teach the recording of data to an internal memory. Kubo teaches that the recording process records to the internal memory when the external memory is removed during recording (Col. 1, lines 32-38 and lines 49-53). Kubo teaches that the recorded data in the internal memory is recorded to the external memory (Col. 6, lines 40-45).

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11. Regarding claim 9, the further limitation of claim 3, see the preceding argument with respect to claims 3 and 5. The combination of Tanaka and Kubo teach these features.

12. Regarding claim 10, the further limitation of claim 4, see the preceding argument with respect to claims 4 and 5. The combination of Tanaka and Kubo teach these features.

13. Claims 6, 7, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka as applied to claims 1 and 5 above, and further in view of Pawlowski et al., U.S. Patent No. 6,038,199 (hereinafter Pawlowski).

14. Regarding claim 6, the further limitation of claim 1,

... wherein the recording data is sound data, and wherein the digital recording and reproducing apparatus includes a sound signal input block for inputting an analog sound signal, a sound data generation block for generating the sound data by converting the analog sound signal to digital data and compressing the digital data, a sound signal generation block for decompressing the sound data recorded in the external memory to generate the digital data and converting the digital data to the analog sound signal, and an amplifier circuit for amplifying the converted analog sound signal to output the amplified sound signal.

15. Tanaka teaches the features of claim 1, however Tanaka does not teach the sound processing blocks as described by these limitations. Pawlowski teaches a portable digital audio recorder. The device has the sound signal input block (Fig. 3, unit 56), the sound data generation block, and the sound signal generation block (Fig. 3, units 52 and 54) for outputting an amplified signal (Fig. 3, unit 58) from an external memory (Fig. 3, unit 64). It would have been obvious for one of ordinary skill in the art to combine the teachings of Tanaka and Pawlowski for the purpose of creating protected audio works.

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16. Regarding claim 7, the further limitation of claim 5, see the preceding argument with respect to claim 6. Tanaka teaches the features of claim 5, and therefore the combination of Tanaka and Pawlowski teach the features of claim 7.

17. Regarding claim 11, the further limitation of claim 2, see the preceding argument with respect to claims 2 and 6. The combination of Tanaka and Pawlowski teach these features.

18. Regarding claim 14, the further limitation of claim 8, see the preceding argument with respect to claims 6 and 8. The combination of Tanaka and Pawlowski teach these features.

19. Claims 12, 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tanaka and Kubo as applied to claim 3 above, and further in view of Pawlowski.

20. Regarding claim 12, the further limitation of claim 3, see the preceding argument with respect to claims 3 and 6. The combination of Tanaka and Kubo teach the features of claim 3, however they do not teach the sound processing blocks as described by these limitations. Pawlowski teaches a portable digital audio device with these features. It would have been obvious for one of ordinary skill in the art to combine the teachings of Pawlowski with the combination of Tanaka and Kubo for the purpose of creating protected audio works.

21. Regarding claim 13, the further limitation of claim 4, see the preceding argument with respect to claims 4 and 6. The combination of Tanaka, Kubo, and Pawlowski teach these features.

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22. Regarding claim 15, the further limitation of claim 9, see the preceding argument with respect to claims 6 and 9. The combination of Tanaka, Kubo, and Pawlowski teach these features.

23. Regarding claim 16, the further limitation of claim 10, see the preceding argument with respect to claims 6 and 10. The combination of Tanaka, Kubo, and Pawlowski teach these features.

Response to Arguments

24. Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive. See the above rejection of the amended claim 1.

25. Furthermore Tanaka teaches the use of random strings (letters and numbers) to be used as identification information (Col. 8, lines 21-30). The teachings also state that the identifying information may be unique to each memory card (Col. 11, line 51- Col. 12, line 4).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Joshi, U.S. Pat. No. 4,688,169.

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS



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